

**REMARKS**

The Applicants do not believe that examination of the response contained herein will result in the introduction of new matter into the present application for invention. Therefore, the Applicants, respectfully, request that the above amendment be entered in and that the claims to the present application, kindly, be reconsidered.

The Final Office Action dated October 31, 2005 has been received and considered by the Applicants. Claims 1-7, 9 and 13-18 are pending in the present application for invention. Claims 1-4, 6, 7, 13-16 and 18 are rejected by the October 31, 2005 Final Office Action. Claims 5, 9 and 17 are objected to as being dependent upon a rejected claims but otherwise states as being allowable.

Claims 1, 7 and 13 stand rejected by the Final Office Action under the provisions of 35 USC §103(a) as being obvious over Applicants' discussion on page 1 of the specification as originally filed in view of U.S. Patent No. 5,495,556 issued in the name of Honda (hereinafter Honda). The Examiner's position is that it would have been obvious for a person of ordinary skill within the art to combine Applicants' discussion on page 1 of the specification with Honda to create the subject matter defined by the rejected claims.

The Examiner alleges that it would have been obvious for a person of ordinary skill within the art to apply the smoothing part 35 as taught by Honda to the description on page 1 of the specification to the present invention to create the subject matter defined by the rejected claims. The rejected claims define subject matter for adaptive prediction filter means adapted to derive a prediction signal from the digital information signal in dependence on an array of prediction filter coefficients, and smoothing means for smoothing the array of filter coefficients  $A[i]$  so as to obtain the array of prediction filter coefficients for supplying the adaptive prediction filter means. As discussed in the previous response made by the Applicants, Honda teaches a smoothing part 35 that provides coefficients for the equalization filter 37. The Applicants, respectfully, point out that Honda derives a prediction residual  $e(t)$  from the inverse filter 31. Prediction coefficients  $a_i$  are supplied to the inverse filter 31. The rejection fails to provide all the elements defined by the rejected claims. There is no

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disclosure or suggestion within Honda to smooth the prediction coefficients  $a_i$  that are supplied to the inverse filter 31. Honda teaches smoothing of the phase-equalization coefficients. It should be noted that while Honda teaches creation of a prediction signal that uses prediction coefficients, Honda only teaches smoothing of the coefficients used for phase-equalization coefficients. Honda makes no disclosure or suggestion that would lead a person skilled in the art to smooth the prediction coefficients  $a_i$  that are supplied to the inverse filter 31 (see FIG. 2, col. 4, lines 1-39).

The Applicants, respectfully, submit that the smoothing of phase-equalization coefficients taught by Honda is not equivalent to the smoothing of the prediction coefficients as defined by the rejected claims. The rejection asserts that Honda teaches smoothing means 35 for smoothing the array of filter coefficients. Honda does not disclose or suggest smoothing of the prediction coefficients as defined by the rejected claims. Honda teaches creation of a prediction filter but provides no teaching that would lead a person skilled in the art to smooth the prediction coefficients that are used by the prediction filter. Therefore, this rejection is, respectfully, traversed.

The MPEP at §2143.01 discusses the requirement for finding a suggestion or motivation to modify the references and quotes the court in stating that the "mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination." *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). The MPEP at §2143.01 further cites *In re Mills*, and states that although a prior art device "may be capable of being modified to run the way the apparatus is claimed, there must be a suggestion or motivation in the reference to do so." (916 F.2d at 682, 16 USPQ2d at 1432.). The rejection alleges obviousness and reaches conclusion of obviousness by modifying Honda to alter the smoothing of phase-equalization coefficients as taught by Honda into the smoothing of the prediction coefficients as defined by the rejected claims. The modification of Honda that is made within the rejection is made without any suggestion or motivation within Honda for making the modification.

Claims 2-4, 6 and 14-16 stand rejected by the Final Office Action under the provisions of 35 USC §103(a) as being obvious over Honda in view of US Patent No. 4,777,620 issued in the name of Shimoni et al. (hereinafter referred to as Shimoni et al.).

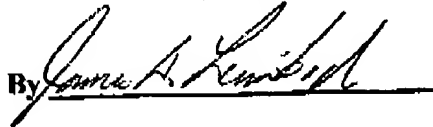
The Examiner states that it would be obvious for a person skilled in to implement a low pass filter, an FIT filter, or an IIR filter as defined by the rejected claims. The Applicants, respectfully, point out that the rejected claims define subject matter for smoothing the prediction coefficients that are used by the prediction filter. There is no disclosure or suggestion within Shimoni et al. for the smoothing the prediction coefficients used by the prediction filter. The low pass, FIR or IIR filters discussed by Shimoni et al., are not used to smooth the prediction coefficients used by the prediction filter. Therefore, this rejection is, respectfully, traversed.

Applicant is not aware of any additional patents, publications, or other information not previously submitted to the Patent and Trademark Office which would be required under 37 C.F.R. 1.99.

In view of the foregoing amendment and remarks, the Applicant believes that the present application is in condition for allowance, with such allowance being, respectfully, requested.

*Please charge any required fees to deposit account 50-3745. Please credit any overpayments to the same account.*

Respectfully submitted,

By 

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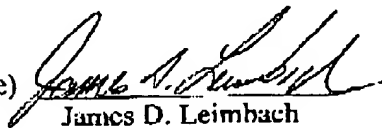
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